

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

LINDA WILLIAMS,

Plaintiff,

VS.

ENTERPRISE CITY SCHOOL DISTRICT,

Defendant.

CASE NO. 1:06CV598-WKW

DEFENDANT’S MOTION TO COMPEL RESPONSES TO DISCOVERY

COMES NOW the Defendant and herewith moves this Court to order the Plaintiff to respond to the Defendant's Consolidated Discovery Requests. As grounds for this Motion, the Defendant states as follows:

1. On July 27, 2007, Defendant served consolidated discovery requests on Plaintiff. See Exhibit “A” attached hereto. Plaintiff’s responses to said requests are now over thirty (30) days past due.

2. Defendant's counsel certifies that he has made good faith attempts to resolve this discovery dispute prior to filing this Motion. As evidenced by the attached letter, Defendant's counsel requested that Plaintiff respond submit the overdue responses. See Exhibit "B" attached hereto. Moreover, Defendant's counsel called Plaintiff's counsel on or about Wednesday, September 26, 2007 and left a detailed message on said counsel's voice mail concerning the overdue responses. Plaintiff's counsel has not responded.

3. Defendant regrets filing this Motion but has done all it knows to do prior to filing this Motion to obtain the Plaintiff's discovery responses. Per the Court's scheduling order, there are

various deadlines that have been set and the Plaintiff's failure to submit the responses is keeping this case from progressing in a timely matter.

/s/ R. Rainer Cotter, III
R. RAINER COTTER, III (ASB-4925-E49R)
Attorney for Defendant

OF COUNSEL:
MARSH, COTTER & STEWART, LLP
P.O. Box 310910
Enterprise, Alabama 36331
Ph. 334-347-2626
Fax 334-393-1396
email: rrc@enterpriselawyers.com

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing on J. Victor Price, Esq., 17 Sistrunk Street, Tallassee, Alabama 36078, by placing said copy in the U.S. Mail, postage prepaid and properly addressed this 3rd day of October, 2007.

/s/ R. Rainer Cotter, III
OF COUNSEL